

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

FILED

MAY 14 2020

Clerk, U.S. District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK BRENT FLYING, SR.,

Defendant.

CR 19-30-BLG-SPW

ORDER

On April 10, 2020 an Administrative Order amending and superseding the Administrative Order filed on March 27, 2020 was filed by Chief Judge Morris regarding COVID-19 and the advised precautions to reduce the possibility of exposure to the virus and slow the spread of the disease. On March 27, 2020 the President signed into law the CARES Act, H.R. 748. Subject to the Judicial Conference of the United States finding that “emergency conditions due to the national emergency declared by the President” will “materially affect the functioning of either the Federal courts generally or a particular district court of the United States,” the Chief Judge hereby authorizes “the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available,” for the ten types of criminal procedures enumerated in

Section 15002(b)(1) of the CARES Act. *See also* The President's Coronavirus Guidelines for America, CDC, 2 (2020), (recommending canceling events involving ten or more people) https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf

Therefore,

IT IS HEREBY ORDERED that the Sentencing Hearing set for Friday, May 29, 2020 at 1:30 p.m. is **VACATED**.

IT IS FURTHER ORDERED that the Sentencing Hearing is **RESET** for **Friday, June 26, 2020 at 9:30 a.m.**

IT IS FURTHER ORDERED that,

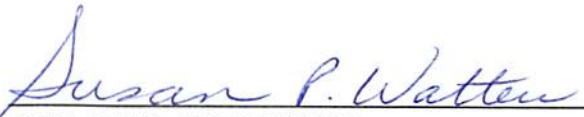
1. Sentencing memoranda and supporting documents addressing all relevant sentencing issues shall be filed on or before **June 12, 2020**. Absent good cause shown, sentencing memoranda and supporting documents filed after June 12, 2020 will not be considered in addressing sentencing issues. Failure to timely file sentencing memoranda may result in imposition of sanctions against counsel.
2. Responses to sentencing memoranda shall be filed on or before **June 19, 2020**.
3. Reply briefs will not be accepted for filing in sentencing matters.

4. The Court will resolve objections included in the Addendum to the presentence report at the sentencing hearing in accordance with U.S.S.G. § 6A1.3.

5. All parties that intend to have witnesses testify at sentencing shall give notice to this Court ten (10) days prior to the sentencing date.

The Clerk of Court is directed to notify counsel of the making of this Order.

DATED this 14th day of May, 2020.


SUSAN P. WATTERS
United States District Judge